

# CUPE LOCAL 441 BY-LAWS

June 14, 2020

(Subject to the direction of the President of CUPE National)

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### Equality Statement

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic or homophobic hurts and thereby divides us. So too, does discrimination on the basis of ability, age, class, religion, language and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

CUPE's policies and practices must reflect our commitment to equality. Members, staff and elected officers must be mindful that all persons deserve dignity, equality and respect.

MARKHANCOCK  
National President

CHARLES FLEURY  
National Secretary-Treasurer

## CANADIAN UNION OF PUBLIC EMPLOYEES

### By-Laws

#### YOU ARE IN THE UNION?

A few do's and don'ts to test the sincerity of WE who are the Union

- Do study the Constitution
- Do study the By-Laws
- Do study the Agreement
- Do attend as many meetings as possible
- Do get acquainted with the Shop Steward for your work site
- Do learn the difference between a legitimate grievance and a complaint, whether such is frivolous or well-founded
- Do memorize the Order of Business and follow it when attending meetings think before we vote?
  
- Don't say, "Why doesn't the Union...?" instead of "Why don't WE...?"
- Don't stay away from meetings and gripe about "unwise" decisions afterward
- Don't go over the head of OUR Steward
- Don't believe the Union is not vitally important to US
- Don't hesitate to bring to the attention of the meeting YOUR problems ~they are the Union's, too
- Don't leave this booklet at home ~ carry it at all times

## **SECTION 1 – PREAMBLE**

The following By-Laws are adopted by the Local pursuant to, and to supplement, Appendix “B” of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

Local 441 of the Canadian Union of Public Employees has been formed to:

- Improve the social and economic well-being of all of its members;
- Promote equality for all members and to oppose all types of harassment and discrimination;
- Promote the efficiency of public services; and
- Express its belief in the unity of organized labour.

The following bylaws are adopted by Local 441 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

CUPE Local 441 shall respect and apply the CUPE National Equality Statement and to all of the Local’s activities. The CUPE National Equality Statement can be found on page 1 of these bylaws.

Local 441 has adopted a Code of Conduct that will apply to membership meetings and other functions organized by Local 441. The Local 441 Code of Conduct can be found on page 29 of these bylaws.

Duties and responsibilities of elected officers and members of committees should be as widely dispersed as possible. It should not be left to the willing few to have to serve in multiple capacities. In other words, duties should be shared by the many rather than the few.

## **SECTION 2 – OBJECTIVES**

The objectives of Local 441 are to:

- Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
- Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- Encourage the settlement by negotiation and mediation of all the disputes between the members and their Employers;
- Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, gender identity, gender expression, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears;
- Establish strong working relationships with the public we serve and the communities in which we work and live; and

- Support CUPE in reaching all of the objectives set out in Article II of the CUPE National Constitution.

### **SECTION 3 – INTERPRETATION & DEFINITIONS**

- All terms of reference shall be gender neutral.
- Numbers of Articles at the end of sections or sub-sections refer to relevant Articles of the current CUPE Constitution, which should be read in conjunction with these By-Laws.

### **SECTION 4 – MEMBERSHIP MEETINGS – REGULAR & SPECIAL**

- Membership meetings shall be held as scheduled once a month in the months of September to June.
- A yearly schedule of the meetings shall be posted on each CUPE bulletin board in September prior to the membership meeting. The Executive will ensure that nominations, elections and by-elections will not be scheduled on dates that conflict with major CUPE Events and/or CUPE Education events. In the event of an unforeseen circumstance that creates a conflict the Executive is empowered to alter the set schedule of meetings.
- Special membership meetings may be ordered by the Executive or requested in writing by no fewer than ten (10) members. The President shall immediately call a special meeting when so ordered or requested, and shall see that all members receive at least twenty-four (24) hours notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given. Special meetings are to be held as early as practical prior to the next General meeting.
- A quorum for the transaction of business at any regular or special meeting shall be fifteen (15) members, including at least three (3) members of the Executive, provided that the number of members present exceeds the number of Executive members present. In the event that a quorum is not present, the Executive is empowered to carry out of the business of the Union, except for money issues.
- No meeting shall continue longer than two (2) hours in length unless approved by a two-thirds majority vote of the members present.
- The order of business at membership meetings is as follows: (Article B.6.1)
- Recognition of Traditional Lands
- Equality Statement
- Roll call of Officers.
- Voting in New Members and Initiation (see Oath of Membership in 4 f) below)
- Read minutes of Previous Meeting
- Matters arising out of the Minutes
- Secretary-Treasurer's Report
- Communications and Bills
- Executive Report
- Reports of Committees and Delegates
- Nominations, Elections, or Installations
- Unfinished Business
- New Business
- Good of the Union
- Adjournment

## **Oath of Membership**

New members will take this oath:

“I promise to support and obey the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union.” (Article B.8.4)

## **SECTION 5 – VOTING OF FUNDS**

Except for ordinary expenses and bills as approved at membership meetings, no sum over two hundred dollars (\$200.00) shall be granted or contributed to a member or a cause outside CUPE except by a carried motion. (Appendix B.4.4)

## **SECION 6 – OFFICERS**

The Officers of the Local shall be the President, Vice-President, Secretary-Treasurer, Membership Secretary, Recording Secretary, three (3) Trustees, and up to a maximum of six (6) Shop Stewards, one each from Grounds, Maintenance, Custodial, Clerical, Bus Drivers, and School Support Workers, one of which shall be elected Chief Shop Steward. The Executive Board shall include all Officers, except Trustees.

All Officers shall be elected by the membership for a two (2) year term at the annual membership meeting in October.

The President, Recording Secretary, Clerical Shop Steward, Grounds Shop Steward and Maintenance Shop Steward will be elected in odd years. The Vice-President, Secretary Treasurer, Membership Secretary, Custodial Shop Steward and School Support Worker Shop Steward will be elected in even years.

Note: In the event the Grounds & Maintenance departments do not each elect a separate steward the position will be combined as Grounds/Maintenance Shop Steward. (Appendix B.2.1)

## **SECTION 7 – EXECUTIVE BOARD MEETINGS**

- The Executive Board shall meet at least once a month, (Article B.3.14)
- A majority of the Executive Board constitutes a quorum.
- No meeting shall continue longer than three (3) hours in length unless approved by a two-thirds majority vote of the members present.
- The Executive Officers shall hold title to any real estate of the Local, as trustee(s) for the Local. They shall have no right to sell, convey or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- The Executive Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
- All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution. (Articles B.11.1 to B.11.5)
- If an Officer fails to attend three consecutive membership meetings or three consecutive

executive meetings without good and sufficient reason, their office will be declared vacant and filled at the next meeting.

## **SECTION 8 – CONDUCT AND DISCIPLINE**

- With the exception of the Step 1 grievance procedure, no officer, shop steward or member shall meet with representatives of management or speak with them to negotiate a change in working conditions or wages, or discuss any grievance, or sit on any committee with management to discuss any matter or matters which could concern any member of this Local, unless they are accompanied by at least 1 other officer of this Local.
- This clause shall not apply to any representative of CUPE or agent who is not a member of the Local and who has been engaged to negotiate with management, provided that such negotiations have previously been approved by the members in general.
- All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution. (Articles B.11.1 to B.11.5)
- The Executive Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees. The Executive Board shall also ensure that all meetings are held in compliance with the CUPE National Equality Statement and the Local 441 Code of Conduct (see Appendix B)
- Any Union executive member who applies for an excluded position with School District #63 management must notify the executive of their intentions and recuse themselves from their executive duties until the position is actively filled.

## **SECTION 9 – DUTIES OF EXECUTIVES** (APPENDIX B III)

### **The President shall;**

- Enforce the CUPE Constitution, these Local Union Bylaws and the Equality Statement;
- Preside at all membership and Executive meetings and preserve order;
- Have the sole authority to interpret these bylaws subject to a challenge
- Shall attend or ensure a designate from the Executive attends;
  - School Board meetings
  - School Board Committee meetings;
  - Confederation of Parents Advisory Councils of Saanich (COPACS)
  - and other meetings as required
- Shall ensure that all Leaves of Absence for Joint meetings and Union business meetings will be managed by an Executive officer;
- Decide all points of order procedure (subject always to appeal to the membership);
- Have the same right to vote as other members. In the case of tie vote, President may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated.
- Ensure that all officers perform their assigned duties;
- Fill committee vacancies where elections are not provided for;
- Introduce new members and conduct them through the initiation ceremony;
- Jointly with either the Vice President and/or the Secretary-Treasurer sign cheques and ensure that the Local's funds are used only as authorized or directed by the CUPE Constitution, Local Union By-Laws, or vote of the membership;
- Be allowed necessary funds, not exceeding one hundred dollars (\$100.00) monthly to reimburse personal expenses, supported by vouchers, incurred on behalf of the Local;
- Have first preference as a delegate to the CUPE National Convention and the CUPE BC

Convention;

- Have President's cell phone number posted on all CUPE Bulletin Boards.
- Costs of up to one hundred, twenty dollars (\$120.00) per month for the President's cell phone will be paid by the Union.
- Fulfill Administrative Duties
- On termination of office, surrender all books, seals, and other properties of the Local to the succeeding Executive Officers of Local 441.

**The Vice-President shall;**

- In the absence (or incapacitation) of the president, perform all duties of the President;
- If the office of President or any other Executive member excluding Shop Stewards falls vacant, the Vice-President shall fulfill the duties of the office until a new officer is elected;
- Jointly with either the President and/or the Secretary-Treasurer sign cheques and ensure that the Local's funds are used only as authorized or directed by the CUPE Constitution, Local Union By-Laws, or vote of the membership;
- Track all job postings-and receive Union copies of postings, appointment letters and other correspondence from the School Board Office, and surrender same to the Membership Secretary prior to the next scheduled membership meeting;
- Will liaise with Shop Stewards regarding new hires
- Record from the monthly general meetings all alterations to the By-Laws and chair biennially (every two years) and ad-hoc By-Law committee which will integrate the alterations into these By-Laws and submit changes to CUPE National;
- Attend Labour Management meetings as required
- Fulfill Administrative Duties
- On termination of office, surrender all books, seals, and other properties of the Local to the Executive officers of Local 441

**The Secretary-Treasurer shall;**

- Receive all revenue, initiation fees, dues and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union;
- Regularly make a full financial report to meetings of the Local's Executive, as well as written financial report to each membership meeting, detailing all income and expenditures for the period; (Appendix B.1.6)
- Prepare all CUPE National Per Capita Tax forms and remit payments;
- Record all financial transactions in a manner acceptable to, and in accordance with, good accounting practices;
- Jointly with either the President and / or Vice President sign cheques and ensure that the Local's funds are used only as authorized or directed by the CUPE Constitution, Local Union By-Laws, or vote of the membership;
- Prepare a yearly operating budget to present to the Local no later than February of each calendar year;
- Pick up the mail at least once a week;
- Be bonded through the master bond held by the National Office; (Appendix B.3.5.)
- Pay no money unless supported by a voucher (signs all cheques other than those of the holder of the position) signed by the President or two (2) other members of the Executive, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
- Annually secure a copy of the current CUPE BC expense policy for Executive officers to use in conjunction with Section 12 of these Bylaws;
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every

disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all;

- Forward to the National Secretary-Treasurer by the last day of the following month, all financial obligations owing; (Appendix B.3.8)
- Make all books available for inspection by the trustees and/or auditors, on reasonable notice. Ensure that the books are audited at least once each calendar year and within reasonable time, respond in writing to any recommendations and concerns raised by the trustees. (Appendix B.3.4. B.3.9)
- Attend Labour Management meetings as required
- Fulfill Administrative Duties
- On termination of office, turn over all properties, assets, books, seals, etc. to the successor; (Appendix B.3.9)

**The Recording Secretary shall;**

- Keep full, accurate and impartial account of the proceedings of all Local 441 regular or special membership and Executive Board meetings,
- Ensuring that these records include a copy of the full financial report presented by the Secretary-Treasurer and are provided to the membership Secretary to be filed.
- Providing copies of the minutes upon request to an Executive membership
- Answer, receive and file correspondence for the Local as directed by the Executive
- Membership and recording secretary be responsible for keeping filing system up to date
- File Job Posting information from Vice-President
- Fulfill Administrative Duties

**The Membership Secretary shall;**

- Direct distribution of all circulars, notices, and membership meeting agendas to members;
- Keep a correct list of names and contact information of all Union members;
- Assume responsibility for maintaining office equipment and ordering office supplies as needed;
- Assume the responsibilities of a Sergeant at Arms; can assign additional assistants if needed.
- Ensure each new member received a copy of the current By-Laws and Collective Agreement;
- Issue each new member in good standing a current membership card;
- Maintain a database for membership attendance at membership meetings;
- Arrange meeting rooms as required for all Executive and membership meetings;
- Maintain the electronic communication system for the Local
- Be responsible for copying information for meetings.
- Assume the duties of the Privacy Coordinator and participate in any training when and if available. (Pursuant to Provincial Legislation January 2004)
- On termination of office, surrender all books, seals, and other properties of the Local to the succeeding Executive officers of Local 441.
- Fulfill Administrative Duties

**The Trustees shall (Non-Executive positions):** (Appendix B 3.10-3.13)

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer at least once every calendar year;
- Executives may request additional audits
- Make a written report of their findings to the first membership meeting following the completion of each audit;

- Submit in writing to the President and Secretary-Treasurer any recommendations and / or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner.
- Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- Ensure that proper financial reports are made to the membership;
- Audit the record of attendance;
- Inspect at least once a year any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership;
- Use audit forms supplied by the National Office and send a copy of each annual audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution.
- Shall perform balloting duties as required at membership meetings.
- Fulfill Administrative Duties

### **The Shop Stewards shall;**

- Be elected by the representative members of each classification;
- Attend or take a CUPE Shop Steward course within a year of assuming office;
- Define, detect, prepare and present grievances at the initial level in consultation with the Chief Shop Steward;
- Police the Collective Agreement and kept up to date on Provincial or Federal Legislation affecting Labour;
- Provide communications and information from the members in their classification to the Executive and from the Executive to the members in their classification;
- Inform Chief Steward of all grievances
- Introduce themselves to new members in their classification and encourage the new members' participation in Union activity.
- Attend Labour Management meetings as required.
- Fulfill Administrative Duties
- On termination of office, surrender all books, notes, files and other properties of the Local to the Executive officers of Local 441

### **Chief Shop Steward shall;**

- Be from among the duly elected shop stewards yearly;
- Police the Collective Agreement and kept up to date on Provincial or Federal Legislation including:
  - Labour Legislation
  - Human Rights Legislation
  - Health and Safety Law
  - WHMIS – Workplace Hazardous Information System
  - CUPE's National Constitution
  - Local By-Laws
- Be kept informed of all grievances and be involved at the initial level of all grievances;
- Keep a record of all grievances;
- Manage in consultation with the President all grievances that have not been resolved by the Shop Steward at Step One of the grievance procedure.
- In consultation with the President prepare cases for arbitration;
- Co-ordinate an annual meeting for each classification when possible
- Have Chief Shop Steward's cell phone number posted on all CUPE Bulletin Boards;
- Costs of up to one hundred, twenty dollars (\$120.00) per month for the Chief Shop

- Stewards cell phone will be paid by the Union.
- Participate actively as a standing member of the Labour Management Committee.
  - Fulfill Administrative Duties
  - On termination of office, surrender all books, notes, files and other properties of the Local to the Executive officers of Local 441

**Good of the Union Member (not an Executive Office) shall;**

- If a member is ill for more than a week, have sent some token of the Local's concern and desire to help, whether the member is at home or in the hospital;
- Extend the Local's condolences in the event of the death of a member or of the member's immediate family and make any other appropriate gesture in accordance with the custom or the wishes of the family concerned.

**SECTION 10 – UNION BUSINESS DAYS**

Union business days are those times when a member is booked off from their regular duties to conduct Union business, and where the Employer requires reimbursement for wages. In these situations, a member shall receive compensation for their lost wages only. There shall be no provision for any in lieu for Union business days. Compensation will be paid at the member's current rate of pay and will be paid straight time not overtime wages. Members will not be compensated for any Local Union meetings.

Officers shall receive the following Union business days in the months of September to June. These duties will be documented in an up-to-date report that shall be provided to the members on Form A (to be developed) for review and questions by the members at all Local membership meetings.

President:	up to 1 day per week
Secretary-Treasurer:	up to 2 days per month
Membership Secretary:	up to 1 day per month
Recording Secretary:	up to 1 day per month
Chief Shop Steward:	up to 1 day per month

Officers shall receive the following Union business days in the months of July and August provided they are scheduled to work at the time of the Union business day. These duties will be documented in an up-to-date report that shall be provided to the members on Form A (to be developed) for review and questions by the members at all Local membership meetings.

President:	up to 1 day per month
Secretary-Treasurer:	up to 2 days per month

Additional Union business days that maybe required must be approved in advance by Executive motion and only after the prescribed days have been exhausted.

**Steward Union business release time:**

- Steward Union business release time to deal with grievance during work hours where the Employer is not responsible for coverage, shall be approved in advance by the Chief Shop Steward or the President.

**General Member Union business release time;**

- All Union business release time which fall outside of those referenced above must be approved in advanced by executive motions.

## **SECTION 11 – OUT OF POCKET EXPENSES**

The following expense allowances shall be provided, without receipts;

The President, Vice-President, Secretary-Treasurer, Membership Secretary, Recording Secretary, Shop Steward(s) and Chief Shop Steward shall receive five hundred dollars (\$500.00) per year for out of pocket expenses. The expense payment will be made biannually (twice per year) at the April and October Executive meetings in the amount of two hundred, fifty dollars (\$250.00) each. Should an executive member not be in the positions for the full year a payment will be prorated.

## **SECTION 12– FEES, DUES AND ASSESSMENTS**

### **Initiation Fee:**

- Each applicant for membership in the Local shall be directed to the Membership Secretary and shall pay an initiation fee of \$1.00 (one dollar) which shall be in addition to monthly dues. The Membership Secretary shall issue a receipt.

### **Monthly Dues:**

- The monthly dues shall be as voted by the membership (Appendix B.4.3) All dues paying members are entitled to due representation by the Local. Changes in the levels of the Initiation Fee, the Re-admittance, Fee, or the monthly dues can only be affected by following the procedures for amendment of these By-Laws (see Section 18 of these By-Laws) with the additional provision that the vote must be by secret ballot if so ordered by the members. (2018 dues rate 1.75% of regular wages)
- Notwithstanding the above provision, if the CUPE Convention raises the minimum fees and/or dues above the level herein established, these By-Laws will be deemed to have been automatically amended to conform to the new CUPE minimum;
- Special assessments may be levied in accordance with Appendix B.4.2. of the CUPE Constitution.
- A member in good standing is any person who has paid up their dues is entitled to full representation under the CUPE Constitution.
- In order to take part in meetings, vote on matters before the membership or run for a position a member must have been approved by the membership, paid their initiation fee and has been sworn in as a member.

### **Non Payment of Dues and Assessments:**

- A member who fails to pay dues and assessments for three months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Secretary Treasurer.
- The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying a readmission fee and any other penalty set by the Local Union.
- The readmission fee cannot be less than the initiation fee of the Local Union.
- A member who has been unemployed or unable to work because of sickness shall pay the readmission fee but may not be required to pay arrears. (Article B.8.6)

## **SECTION 13 – NOMINATION, ELECTION & INSTALLATION OF OFFICERS**

The Executive will ensure that nominations, elections and by-elections will not be scheduled on dates that conflict with major CUPE Events and/or CUPE Education events.

### **Nominations;**

- Nominations for executive positions up for election in October shall be made at the monthly membership meeting in the month of September. To be eligible for nomination, a member shall be in good standing.
- Nominations for the Executive may be done by proxy with written agreement of the nominee. No proxy voting will be permitted.
- Nominations will not be accepted at the same meeting as the election(s).

### **Elections;**

- Elections shall be held at the annual membership meeting in the month of October.
- At a membership meeting on or before Election Day, the President shall, subject to the approval of the members present, appoint an Election Committee consisting of a Returning Officer and assistant(s). The Committee shall include members of the Local who are neither officers nor candidates for office. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its' responsibility as confidential.
- The Executive shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- The Returning Officer shall be responsible for issuing, collecting and counting ballots; must be fair and impartial and see that all arrangements are unquestionably democratic.
- The Election shall take place at the annual membership meeting in October provided a quorum is present. The order in which officers will be voted on will be determined at the start of the meeting by the membership. If no quorum is present elections will be carried forward to the next general meeting and be conducted at that time. The current Executive will carry on the business of the Local until a new Executive is duly elected.
- The vote shall be by secret ballot.
- Voting to fill one office shall be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
- A majority of votes cast shall be required before any candidate can be declared elected and subsequent ballots shall be taken, if necessary, to obtain a majority.
- When two (2) or more nominees are to be elected to any one office by ballot, each member voting shall be required to vote for the full number of candidates required for the office or the member's ballot will be declared spoiled.
- Any member may request a recount of the votes for any election and a re-count shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 4 (c) of these By-Laws.

### **Installation;**

- All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) years or until a successor has been elected and installed, provided however, that no term of office except for Trustee, shall be longer than

- two (2) years. (Appendix B.2.4.)
- The terms of office for Trustees shall be as laid down in Article B.2.4 of the CUPE constitution;

### **By-Elections;**

- Should an office fall vacant pursuant to Section 7 (g) of these By-Laws, or for any other reason the resulting by-election shall be conducted as closely as possible in conformity with this section.

## **SECTION 14 – DELEGATES TO CONVENTION/SEMINARS/CUPE WORKSHOPS, CUPE BUSINESS MEETINGS**

- Except for the President's option (Section 9 of these By-Laws), all delegates to each convention shall be chosen by election at membership meetings.
- All registration fees shall be paid by the Local.
- All out of town hotel expenses shall be paid by the Local for members. As Local 441 acknowledges our member's right to privacy members have the option to have a single room when traveling on Union business. However members are encouraged to share accommodations whenever practical (Shared accommodation reduces the cost to the local while allowing us to send the maximum number of delegates). Any additional costs incurred by the member being accompanied by a guest shall be paid by the member.
- The most economical form of transportation in the circumstances shall be utilized and paid for by the Local.
- Members on Union business for the duration of one (1) day or longer who do not report to their worksite for any part of their shift shall be paid the daily maximum hours for their classification, Members shall be responsible for indicating these hours on their time card.
- All members attending out of town conventions, seminars, workshops, or CUPE business meetings shall be paid all travel expenses including parking and mileage where applicable in accordance with the current CUPE BC Expense Policy. Upon member(s) request the per diem and/or traveling expenses estimates may be paid in advance, with any over payment reimbursed to the Local upon the members return. Any activity taking less than four (4) hours shall be considered as a half day and shall be paid a per diem of half the daily rate.
- All members attending full day in-town conventions, seminars, CUPE workshops, or CUPE business meetings where a meal is not provided will be reimbursed at the CUPE BC ½ day rate.
- All members attending full day in-town conventions, seminars, CUPE workshops, or CUPE business meetings where a meal is provided will be reimbursed for parking (with receipts) and mileage.
- All members attending conventions, seminars, workshops, or CUPE business meetings that occur on a Saturday or Sunday shall be paid all travel expenses including parking, per diem and mileage where applicable in accordance with the current CUPE BC Expense Policy.
- Members will not be reimbursed for any alcoholic beverage(s).
- Representation at education seminars shall be on the recommendation of the Education Committee, subject to final approval by the membership.

## **SECTION 15 – AD HOC COMMITTEES**

### **Definition:**

An ad hoc committee may be established for a specified purpose and period by the membership at a meeting. The members shall be elected at the same or another membership meeting or may, by specific authorization of the membership, be appointed by the President or Executive. Two (2) members of the Executive may sit on any special committee as ex officio member;

**Social Committee:**

- It is the function of this ad hoc committee to arrange and conduct any social and recreational activities of the Local as a result of decisions taken at membership meetings. The Committee shall submit a report following any activity to the Executive and to the membership. A ceiling for the Committee's net expenditures shall be fixed by the membership, but other than that, all social and recreational events and activities shall be self-supporting. The Executive shall be held responsible for the proper and effective functioning of this Committee.
- The committee shall comprise between two (2) and five (5) members and may appoint a secretary/treasurer from among its' members.

**By-Law Committee:**

- It is the function of the ad-hoc committee to update the Local's By-Laws biennially. The committee will also meet once yearly to review items identified by the Vice-President or the general membership. The Vice-President shall submit the recommended alterations to the Executive and subsequently to the membership for approval.

**Political Action Communication Committee:**

- It is the function of this ad-hoc committee to be pro-active and co-ordinate the involvement of Local 441 in any political action.

**SECTION 16– STANDING COMMITTEES**

The Chair of each committee, if required, shall be elected by the members of the committee. The Chair and the Executive may, with the concurrence of the membership, jointly appoint other members to serve on a committee. The Vice-President shall be a member, ex-officio, of each committee. The President, if not elected to the Bargaining committee, shall be a member, ex-officio, of the Bargaining committee. There shall be five (5) standing committees as follows;

**Bargaining Committee:**

- This committee shall be established for the purpose of maintaining continuity in negotiating subsequent Collective Agreements and to allow preparation of newly defined issues for subsequent contract negotiations.
- The committee shall be elected one (1) year prior to the expiration of the current collective agreement
- The committee shall consist of five (5) elected members, one (1) from each classification,
- The Local will pay for only one (1) of these five (5) members. The function of the committee is to prepare collective bargaining proposals and to negotiate a new Collective Agreement. The CUPE National Representative assigned to the Local shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

## **Protocols and Procedural Guidelines for Bargaining Team**

- All members in good standing as per Clause 5:01 (a) of the current Collective Agreement may submit requests for items to be dealt with during negotiations.
- Only written submissions will be accepted. Numbered forms will be distributed to each location. The committee will decide deadlines for acceptance of submissions. Members should make every attempt to refer to specific Articles in the Collective Agreements in their submissions.
- The committee's duty prior to the membership vote is to accept submissions and to compile them, referring to the number of the submission, in an appropriate manner (wording, location in the Collective Agreement etc.)
- ALL submissions from members will be included by the committee, for the membership at large, to vote upon.
- Following compilation by the committee, recommendations will be made on each submission, a meeting will be held for the membership to vote upon all recommended submissions.
- Each submission will be voted on by the membership. A simple majority will determine acceptance or rejection, or upon the passing of an appropriate motion by the floor, the entire package will be approved by simple majority.
- During negotiations the following protocols will be observed regarding communication with the membership
- Those committee members who will meet with the School Board will be identified for the membership.
- Committee members will be obliged to keep all negotiating discussions with the School Board confidential. Members please respect this!
- At each regularly scheduled monthly meeting during the negotiating process, the Committee will report on the status of negotiations
- When the Committee has reached an agreement with the Board, it will call a Special meeting to present the items to the membership. The committee must ensure that the location of the meeting meets Audio and Visual needs of the members. The committee shall advertise the meetings times – start time and “Lock-in” time. A grace period of ten (10) minutes will be given for latecomers. There will be no admittance after the grace period.
- At the ratification meeting, the following protocols will be observed;

### **PRIOR TO BEGINNING, A FULL EXPLANATION OF THE PROCESS WILL BE GIVEN**

Trustees shall act as scrutineers. If any Trustee is absent a replacement shall be appointed by the President; their duties are as follows:

- To issue the ballots
- To oversee the voting
- To conduct the counting of the ballots
- To report the results to the membership
- To destroy the ballots on request of the membership
- Only initiated members in good standing may vote at the ratification meeting.

### **PROCEDURES FOR EXPLANATION AND DISCUSSION**

Each item will be explained in the following manner

- New wording will be read and displayed
- An explanation will be given as the differences and the ramifications of the change.

- Questions from members will be taken regarding this item
- When no questions remain, move on to next item.

After all items have been read and explained fully, and no questions remain unanswered, then the wage proposal will be discussed. This will also be explained fully and to the satisfaction of the members (% means, across the board means, etc.).

- Members will vote upon the package as a whole
- The vote will be by secret ballot ONLY
- A simple majority if required for acceptance or rejection.
- The ballot will state only YES or NO

### **Grievance Committee**

- This Committee shall process all grievances not settled at the initial Stage (as per CUPE Contract Article #12.02) and its reports shall be submitted first to the Executive, with a copy to the CUPE Representative, and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for in the Collective Agreement. The Committee shall be comprised of the representative Shop Steward(s), the Chief Shop Steward and the President.
- The Executive shall deal with all grievances as submitted by the membership and shall be responsible for the proper and effective functioning of the grievance committee.

### **Education Committee:**

The Committee shall be comprised of between two (2) and three (3) members, one of whom shall be an executive officer.

It shall be the duty of this Committee to:

- Arrange for representation of the Local at any appropriate and available educational seminars or conferences and submit recommendations accordingly to the Executive;
- Instruct delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports;
- Co-operate with the Education and Public Relations Departments of CUPE and with the regional Education Representative, in implementing both the Local's and CUPE's policies in these fields
- Distribute Union literature.

The Committee shall comprise between two (2) and three (3) members and shall appoint its' secretary from among its members.

### **Job Evaluation Committee:**

- This committee shall be comprised of four (4) elected members. The working committee will meet with representatives of the School Board to evaluate or re-evaluate, through the use of a gender-neutral evaluation plan, all positions within the Collective Agreement as necessary. Committee members will serve a two (2) year term after which a new committee will be elected, having a minimum of minimum of one (1) and a maximum of two (2) members from the previous job evaluation committee.

### **Labour Management Committee:**

- This Committee shall comprise the President or Vice-President, Chief Shop Steward, the Shop Steward with the most knowledge on the issue and (1) one other member as selected by the President or the Vice-President and shall appoint its recording-secretary from among its members. This Committee will meet with Management to discuss subjects, which are of concern to both parties.

### **Scholarship Committee:**

- It is the function of this committee of (3) three members to receive applications for CUPE Scholarships. The committee will screen the applicants and select the recipients for up to a maximum of (3) three CUPE Scholarships.

## **SECTION 17 – RULES OF ORDER**

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these By-Laws as Appendix A. These rules shall be considered as an integral part of the By-Laws and may be amended only by the same procedure used to amend the By-Laws. In situations not covered by Appendix A, the CUPE Constitution may provide guidance, but if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

## **SECTION 18 – AMENDMENT**

- THESE By-Laws are always subordinate to the CUPE Constitution, (including Appendix B), as it now exists or may be amended from time to time, and in the event of any conflict between these By-Laws and the CUPE Constitution the latter shall govern.
- These By-Laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven (7) days notice at a previous meeting or at least sixty (60) days written notice. (Articles 13.3 and B.5.1)
- No change in these By-Laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President. (Articles 13.3 and B.5.1)

## **SECTION 19 – PRINTING AND DISTRIBUTION OF BYLAWS**

Members will receive a copy of the Local 441 bylaw's, either in paper format or via the Union website 441.cupe.ca . Members with special needs may request a copy of the bylaws in a larger format. Upon member request the Local shall make every effort to supply a copy of the bylaws printed in languages other than English.

## **APPENDIX A TO THE BY-LAWS OF CUPE LOCAL #441**

### **RULES OF ORDER**

- The President or, in his absence, the vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Secretary-Treasurer shall act as President and in the absence of the Secretary-Treasurer; the Local

shall choose a President pro tem.

- No member except the Chairperson of a committee making a report or the mover of a resolution, shall speak for more than (5) five minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairperson and movers of a resolution shall be limited to (15) fifteen minutes, except with the consent of the meeting
- The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask; “Is the Local ready for the question?” Should no member rise to speak, the question shall then be put.
- A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
- A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment or amendment to an amendment, which is a direct negative of the resolution, shall be in order.
- On motion, the regular order of business may be suspended, by a two-thirds vote of those present, to deal with any urgent business.
- All resolutions and motions other than those names in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
- At the request of any member, and upon a majority vote of those present, a question may be divided when the parts should be addressed separately.
- Any member, having made a motion, can withdraw it with the consent of the seconder, except that any motion, once debated cannot be withdrawn except by a majority vote of those present.
- When a member wishes to speak on a question or make a motion, the member shall rise and respectfully address the presiding officer, but, except to state a point of order or on a question of privilege, shall not proceed further until recognized by the chair.
- Every member, while speaking shall adhere to the question under debate and avoid all personal, improper, or offensive language, as well as any poor reflection on the Local or member thereof.
- When two (2) or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
  
- If a member, while speaking, is called to order, the member shall cease speaking until the point is determined; if it is decided the member is in order, the member may again proceed.
- No discussion of a sectarian nature shall be permitted.
- The President shall not take part in debate while presiding but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
- The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, the presiding officer may in addition have a casting vote, or, refrain from breaking the tie, in which case the motion is lost.
- When a motion is before the Local, no other motion shall be in order except (a) to adjourn, (b) to put the previous question, (c) to lay on the table, (d) to postpone for a definite time, (e) to refer, (f) to divide or amend, which motions shall have precedence in the order names. The first three (3) of these shall be decided without debate.
- A motion for the previous question, when regularly moved and seconded, shall be put in this form: “Shall the main question be not put?” If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment on an amendment to an amendment is adopted, the original resolution, as amended shall be put to the Local.
- A motion to adjourn is in order except (a) when a member has the floor (b) when

members are voting.

- A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until (15) fifteen minutes have elapsed.
- After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
- If any member wishes to challenge (appeal) a decision of the chair the member must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for this challenge. The chairperson shall immediately and with debate put the question; "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie, the chair is sustained.
- After a question has been decided, any two (2) members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
- No member shall enter or leave a meeting during the reading of the minutes, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the president or Vice-President.
- The Local's business, and proceedings of the meetings, is not be divulged to any persons outside the Local or the Canadian Union of Public Employees.

## **APPENDIX B TO THE BY-LAWS OF CUPE LOCAL #441**

### **CODE OF CONDUCT**

Local 441 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.

Local 441 strives to promote core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

Local 441 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 441 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 441 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 441 sets out standards of behaviour for members at meetings, and all other events organized by Local 441. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As members of Local 441 we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement;
- Respect the views of others, even when we disagree;
- Recognize and value individual differences;
- Communicate openly;
- Support and encourage each other;
- Make sure that we do not harass or discriminate against each other;

- Commit to not engaging in offensive comment or conduct;
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating; and
- Take responsibility for not engaging in inappropriate behaviour due to abuse of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding this Code of Conduct will be handled as follows:

- If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking the person to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
- Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution.
- If this fails to resolve the matter, the designated Officer of the Local Union shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.

This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the Bylaws of Local 441, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

This Code of Conduct does not replace a member's right to access the trial provisions of the CUPE National Constitution.

**October 1, 2010**  
*Updated January 21, 2011*